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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,740	01/16/2002	George Krikorian	50064	3485

7590 08/26/2004

Nathan Boatner  
PMB 692  
7095 Hollywood Blvd.  
Los Angeles, CA 90028

EXAMINER
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AMIRI, NAHID

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/042,740

Applicant(s)

KRIKORIAN ET AL.

Examiner

Nahid Amiri

Art Unit

3635

MLW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 20 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input checked="" type="checkbox"/> Other: <u>see attachment</u> .       |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,164,018 Runge et al., further in view of US Patent No. 6,407,798 B2 Graves et al., US Patent No. 5,890,323 Errato, US Patent No. 3,313,068 Pinto.

In regard to claim 11: Runge discloses the claimed invention Fig. 1, the structure having a plurality of individual theaters. Runge does not disclose the theater having an upper, a lower and a middle level for projector, having separate entrance and exit and separate mezzanine and concession facilities for upper and lower level. Graves teaches Fig. 1, column 2, line 38-40, a theater 10 including lower seating level A (see attachment) and upper seating level B (see attachment) and a middle level C (see attachment) for use of a motion picture projection camera, having separate mezzanine and for lower and upper seating. Errato teaches Fig. 6, column 4, lines 49-56, having separate mezzanine 150 for upper level 38. Pinto teaches Fig. 7, column 5, lines 71-75, having separate exit and entrance for each level by having elevators 31. It would have been obvious to one of ordinary skill in the art at the time of invention was made to modify each theater of Runge's invention to have three levels with upper and lower seating and middle level for projection and having separate mezzanine, entrance and exit for a lower and upper level in order to construct a theater with two distinct seating levels which separated from projector level and facilitated entering and exiting the theater. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide a separate concession for

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upper and lower level in order to allow the audience on each floor to have easy access to refreshments.

\*Applicant's claim merely recites well known features in the theater art.

In regard to claim 12: Runge discloses the claimed invention except having a plurality of theater having at least one regular motion picture theater and at least one for large format motion picture theater. Graves teaches Fig.1, column 2, line 41-44, the theater 10 capable of performing as a regular or large motion picture projection theater by having different type of screens 14 and 16. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide one of the theater of the Rung's invention with regular motion picture projection and another one of his theater with large motion picture projection in or second screen of the Grave's invention in order for audience to be able to view different type of motion picture.

In regard to claim 13: Runge discloses the claimed except having each segregated level having seating for disabled other than front of the theater. Graves teaches Fig. 1, each segregated seating level A and B has seating D (see attachment) and D' (see attachment) for disabled patrons at areas other than only at the very front of the theater 10. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide each level with disabled seating area other than front of theater in order to have better viewing position of the screen for disabled person.

In regard to claim 14: Runge discloses the claimed except having multiple sound speaker placed throughout the theater. Graves teaches the claimed invention Fig.1, column 4, line 13-15, a theater 10 having a multiple sound speakers 32a-g placed throughout the theater 10. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the multiple sound speakers throughout the theater in order to supplement the sound system for the wide-screen.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,164,018 Runge et al., in view of US Patent No. 6,407,798 B2 Graves et al.,

In regard to claim 15: Runge discloses the claimed invention except having a plurality of theater having at least one regular motion picture theater and at least one for large format motion picture theater. Graves teaches Fig.1, column 2, line 41-44, the theater 10 capable of performing as a regular or large motion picture projection theater by having different type of screens 14 and 16. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide one of the theater of the Rung's invention with regular motion picture projection and another one of his theater with large motion picture projection in or second screen of the Grave's invention in order for audience to be able to view different type of motion picture.

### ***Response to Arguments***

Applicant's arguments with respect to claims 11-15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


US Patent No. 1,660,263	Fowler
US Patent No. 1,523,944	Fowler
US Patent NO.3,545,143	Bankston
US Patent No. 5,850,712	Errato

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (703) 305-4241 and Fax number is 703-872-9306. The examiner can normally be reached on Monday-Friday from 8:00-5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Carl Friedman can be reached at (703) 308-0839.

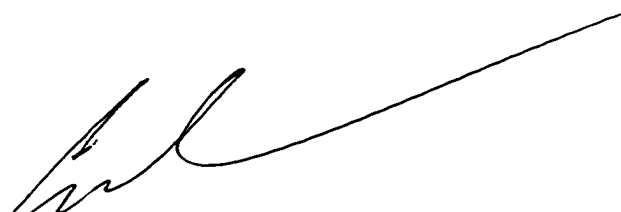
Application/Control Number: 10/042,740

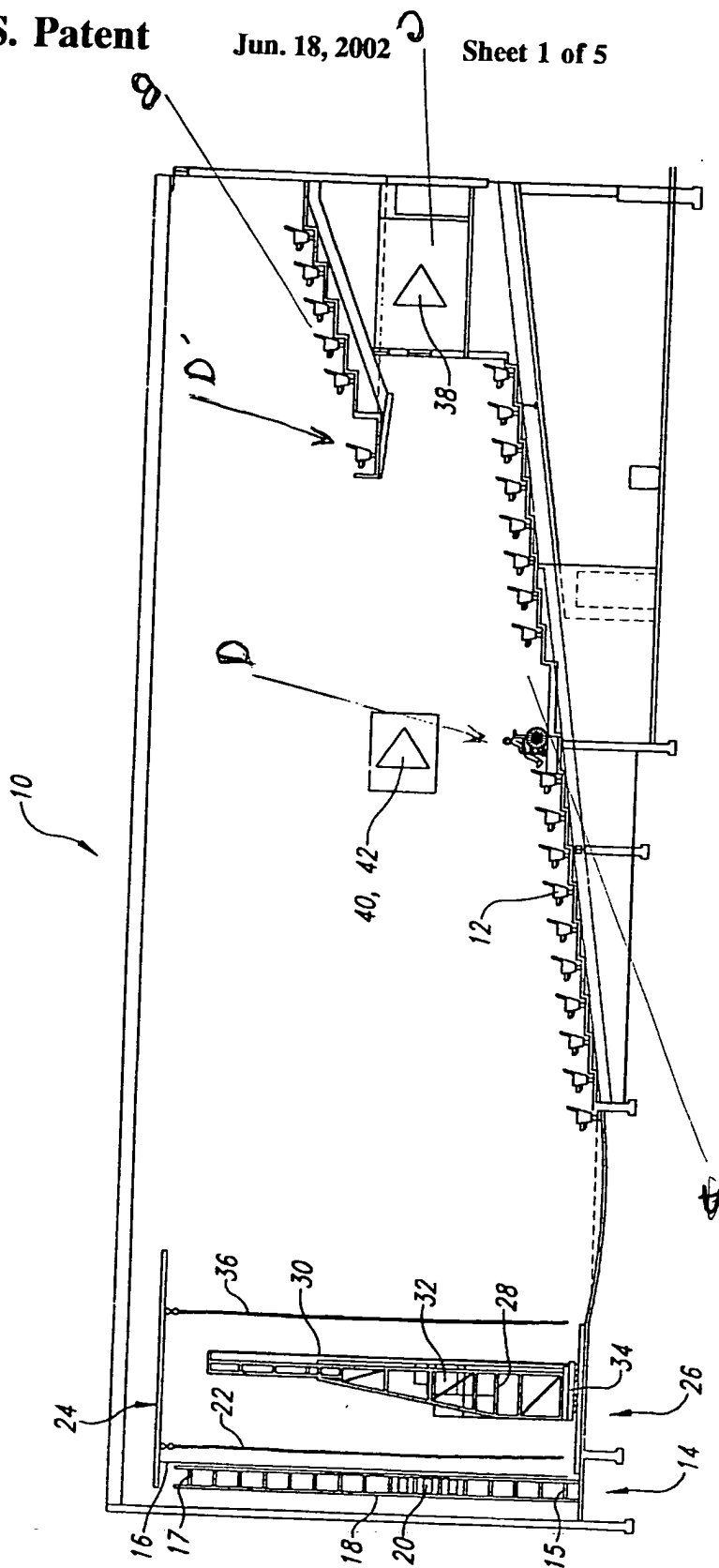
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August 19, 2004

  
Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600



**Fig. 1**